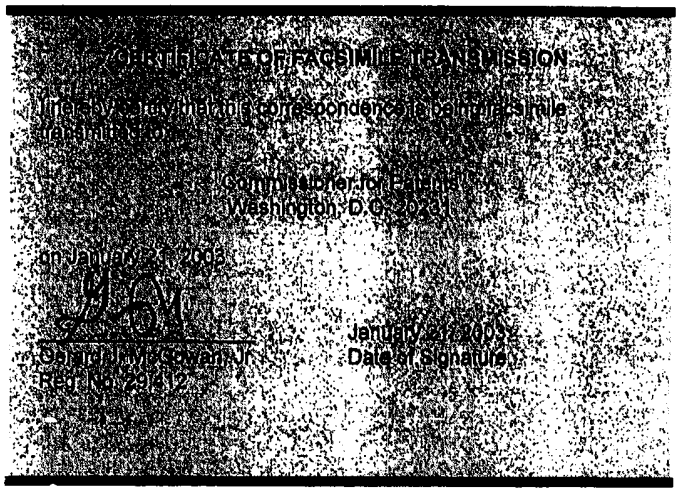
#31



PATENT

UNUS #97-0461-LIP
CASE #F6113(V)

RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP # 1761

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Reddy
Serial No.: 09/002,133
Filed: December 31, 1997
For: FLAVORED FOOD PRODUCTS

Group: 1761
Examiner: C. Paden
Edgewater, NJ 07020

AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed August 21, 2002, a two month extension of time for response to which is being requested, please consider the following remarks.

REMARKS

Reconsideration of the application is respectfully requested in view of the following remarks.

Singer et al.. US Patent No. 5,202,146 is directed to flavor delivery systems for nonfat and low fat foods. The systems comprise fat globules, into which elevated levels of fat soluble flavor compounds have been loaded, and which are incorporated into nonfat and low fat food products so that the fat soluble flavor compounds are released in a more natural and familiar sequence. Homogenization is said to result in an emulsion comprising stabilized fat globules containing fat soluble flavor compounds. The Office points to no teaching in Singer et al. suggesting that their loaded fat globules could or should be incorporated into a gelled biopolymer phase.

Heertje et al. US Patent No. 5,652,011 is directed in example 6 to a spread formed from 50% of a mesomorphic phase and 50% from an aqueous phase. The aqueous phase comprised a slurry of gelled particles which was combined with the mesomorphic phase in a static mixer. The gelled aqueous phase included gelatin and 0.0048% of an unspecified flavor.

Applicant submits that absent the teaching of his specification one of ordinary skill would not be led to incorporate the Singer et al. flavors into the gelled particles of the Heertje et al. spreads. The Office points to no teaching in Singer et al. suggesting that their flavor system would work if the flavor were incorporated into a gelled biopolymer. If the Office is suggesting that Singer et al.'s disclosure renders unpatentable all combinations of lipophillic flavor and limited amounts of triglyceride in low/no fat compositions, this is respectfully traversed. Again, in the present case, the Office points to no teaching by Singer et al. that their loaded fat globules will be effective if incorporated into gelled biopolymer.

In view of the foregoing, it is respectfully requested that the application be allowed.

Respectfully submitted,

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/gjm
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